

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BENNIE R. SMITH,

Plaintiff,

v.

JUSTIN CAGLE, individually and in his
official capacity as an officer of the Mt. Juliet
Police Department, ANDY GARRETT,
in his official capacity as Chief of the Mt. Juliet
Police Department, and MT. JULIET,
TENNESSEE,

Defendants.

No. 3:11-cv-00705

Judge Nixon

Magistrate Judge Brown

JURY DEMAND

ORDER

Before the Court is Defendant Andy Garrett's Notice of Striking Previously Filed Motion (Doc. No. 20), in which Mr. Garrett withdraws his previously filed Motion to Dismiss (Doc. No. 16). The Motion to Dismiss is hereby **TERMINATED**.

Also before the Court is a Stipulation of Dismissal ("Stipulation"), stipulating to the voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) of all claims against Mr. Garrett in his official capacity as Chief of the Mt. Juliet Police Department. (Doc. No. 21.) The Court notes, however, that the Stipulation is not signed by Defendant Justin Cagle and is therefore invalid under Rule 41(a)(1)(A)(ii), which requires that a stipulation of dismissal be signed "by all parties who have appeared." The Court therefore **DIRECTS** the parties to refile their Stipulation in accordance with the Rule.

It is so ORDERED.

Entered this the 3rd day of September, 2011.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT